

Reply to Office Action dated January 29, 2008

**REMARKS**

Claims 1-13 are pending in this application. By this Amendment, the specification, the Abstract, FIGs. 1-2 and claims 1-7 are amended and new claims 8-13 are added. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action asserts that FIG. 1 should be designated as "Prior Art." By this Amendment, FIG. 1 is labeled as "Prior Art."

The Office Action objects to the drawings because they do not show reference characters 24, 25 and 26 in FIG. 2. By this Amendment, FIG. 2 is amended to delete characters 24, 25 and 26. Withdrawal of the objection to the drawings is respectfully requested.

The Office Action objects to the Abstract of the Disclosure. It is respectfully submitted that the substitute Abstract obviates the ground for objection. Withdrawal of the objection is respectfully requested.

The Office Action also objects to the disclosure of an informality. It is respectfully submitted that the amendments to the specification obviate the grounds for objection.

The Office Action rejects claims 1, 2 and 5 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that the above amendments to these claims obviate the grounds for rejection. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-6 under 35 U.S.C. §102(b) by U.S. Patent Publication 2002/0154610 to Tiedemann, Jr. et al. (hereafter Tiedemann). The Office Action also rejects claim 7 under 35 U.S.C. §103(a) over Tiedemann in view of U.S. Patent Publication

Reply to Office Action dated January 29, 2008

2003/0031119 to Kim et al. (hereafter Kim). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving packet transmission control information in a base station, the received packet transmission control information including a boost identifier to identify boost operation. Independent claim 1 also recites determining a power of a transmission signal to be transmitted from the base station via the forward-acknowledgement channel (F-ACKCH) using an increment for a reference transmission power value of a boost mode when the packet transmission control information contains the boost identifier to identify the boost operation.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, Tiedemann does not teach or suggest receiving packet transmission control information in a base station, where the received packet transmission control information includes a boost identifier to identify a boost operation. Tiedemann's paragraphs [0030]-[0031] do not suggest the claimed boost identifier to identify a boost operation.

Additionally, Tiedemann does not teach or suggest determining a power of a transmission signal to be transmitted from the base station via the forward-acknowledgement channel (F-ACKCH) using an increment for a reference transmission power value of a boost mode when the packet transmission control information contains the boost identifier to identify the boost operation. The Office Action (on page 6) references Tiedemann's paragraphs [0101]-[0104] as discussing measuring a received pilot channel power and comparing it to a threshold (reference) and determining whether to increase or decrease transmission power and transmitting the

Reply to Office Action dated January 29, 2008

determination by using power control bits. However, these features do not teach or suggest determining a power of a transmission signal to be transmitted from the base station via the forward acknowledgment channel. Rather, the cited section merely relates to increasing/decreasing power to the remote terminal. See paragraph [0101]. Tiedemann does not teach or suggest using a reference transmission power value of a boost mode when the packet transmission control information contains the boost identifier to identify the boost operation.

For at least the reasons set forth above, Tiedemann does not teach or suggest all the features of independent claim 1. Kim does not teach or suggest the features of independent claim 1 missing from Tiedemann. Independent claim 1 therefore defines patentable subject matter.

Independent claim 5 recites receiving acknowledgement information at a mobile station, and adjusting a boost mode threshold at the mobile station using an increment for a boost mode reference threshold when in a boost mode operation. Independent claim 5 also recites deciding, at the mobile station, a presence or non-presence of acknowledgement based on the adjusted boost mode threshold.

The applied references do not teach or suggest at least these features of independent claim 5. More specifically Tiedemann does not teach or suggest adjusting a boost mode threshold at the mobile station using an increment for a boost mode reference threshold when in a boost mode operation. The Office Action (on page 8) references Tiedemann's [0053]-[0104] and especially [0101]-[0104] as disclosing measuring received pilot channel power and comparing it to a threshold and determining whether to increase or decrease transmission power. However,

Reply to Office Action dated January 29, 2008

these features do not relate to adjusting a boost mode threshold. Rather, the cited sections relate to increasing or decreasing a power of the remote terminal. See paragraph [0101]. Further, the cited sections of Tiedemann do not relate to a boost mode operation.

For at least the reasons set forth above, Tiedemann does not teach or suggest all the features of independent claim 5. Kim does not teach or suggest the features of independent claim 5 missing from Tiedemann. Independent claim 5 therefore defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1 and 5 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-13 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **10/577,072**

Docket No. **K-0793**

Reply to Office Action dated January 29, 2008

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



David C. Oren  
Registration No. 38,694

Attachments: Annotated Sheet  
Replacement Sheet  
Substitute Abstract of the Disclosure

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 DCO/kah

**Date: April 28, 2008**

**Please direct all correspondence to Customer Number 34610**